

601 KAR 1:115. Taxicabs, limousines, and disabled persons vehicles.

RELATES TO: KRS 186.276, 186.281, 186.286, Chapter 281

STATUTORY AUTHORITY: KRS 281.600, 281.630

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600 authorizes the department to promulgate administrative regulations regulating motor carriers. This administrative regulation establishes the procedures for operation of a city or county taxicab, city or county limousine, or a disabled person's carrier business and designates the information that must be filed with the cabinet or provided to the public.

Section 1. Definitions. (1) "City limousine certificate" is defined in KRS 281.014.

(2) "City taxicab certificate" is defined in KRS 281.014.

(3) "County limousine certificate" is defined in KRS 281.014.

(4) "County taxicab certificate" is defined in KRS 281.014.

(5) "Disabled persons certificate" is defined in KRS 281.014.

(6) "Origin of operation" means the place at which the passenger is picked up by the taxicab, limousine, or disabled persons vehicle.

(7) "Suburban area" is defined in KRS 281.012.

Section 2. Procedure; Sale, Transfer, or Lease of Taxicab, Limousine, or Disabled Persons Certificate. (1) Upon the filing of an application for approval of a sale, transfer or lease of a city or county taxicab, city or county limousine, or disabled persons certificate or portion of one (1) of these certificates, the cabinet shall issue notice in accordance with 601 KAR 1:030.

(2) If a protest is not filed in accordance with 601 KAR 1:030, the commissioner shall approve the sale, transfer, or lease without a hearing. This shall be construed to include the sale, transfer, or lease of the right to operate one (1) or more taxicabs, limousines, or disabled persons vehicles.

Section 3. City Taxicab and City Limousine Operations. (1) A city taxicab or city limousine certificate shall be issued to allow origin of operations in a designated town or city and its suburban area.

(2)(a) Each trip of the certificate holder shall originate in the designated town or city and its suburban area.

(b) The destination selected by the passenger shall not be required to be in the designated town or city and its suburban area.

(c) If a passenger selects a destination which is not located in the certificate holder's designated town or city and its suburban area, at the passenger's request the certificate holder may return the passenger to a point within the certificate holder's designated town or city and its suburban area.

(3)(a) An operator who has secured a certificate to operate in a designated town or city and its suburban area shall not be permitted to change the place of origin of operations without applying for and receiving additional authority pursuant to KRS 281.620.

(b) Origination of an operation in any city or town or its suburban area other than designated in the certificate shall constitute a cause for suspension or cancellation of the certificate.

Section 4. County Taxicab, County Limousine, or Disabled Persons Carrier Operations. (1) A county taxicab, county limousine, or disabled persons certificate shall be issued to allow origin of operations any place within a designated county.

(2)(a) Each trip of the certificate holder shall originate in the designated county.

(b) The destination selected by the passenger shall not be required to be in the designated county.

(c) If a passenger selected a destination which was not located in the certificate holder's desig-

nated county, at the passenger's request the certificate holder may return the passenger to a point within the certificate holder's designated county.

(3)(a) An operator who has secured a certificate to operate in a designated county shall not be permitted to change the county of origin of operations without applying for and receiving additional authority pursuant to KRS 281.620.

(b) Origination of an operation from any county not designated in the certificate shall constitute a cause for suspension or cancellation of the certificate.

Section 5. List of Drivers. (1) Each taxicab, limousine, or disabled persons certificate holder shall maintain a complete list of the drivers employed by the certificate holder.

(2) This list shall be on file at the office or cab stand of the operator, and will be available for inspection by the Transportation Cabinet, other state government agency, or law enforcement agency.

(3) This list shall contain the name, address, age, and the operator's license number of each driver. Any change in drivers shall be promptly noted on the list.

(4) Each certificate holder, prior to hiring a new driver, shall:

(a) Ensure that the driver has a valid operator's license; and

(b) Obtain and review the driving history record of the driver.

(5) Annually, the certificate holder shall obtain and evaluate an updated copy of the driving history record of each of his drivers.

Section 6. Decrease in Number of Taxicabs, Limousines, or Disabled Persons Vehicles Operated. (1) If a taxicab, limousine, or disabled persons vehicle operator decides to decrease the number of taxicabs, limousines, or disabled persons vehicles which he has in operation, he may do so by notifying the cabinet and surrendering the identification tag issued to the taxicab, limousine, or disabled persons vehicle by the Division of Motor Carriers. If at any time during the same year the taxicab, limousine, or disabled persons vehicle operator desires to replace in operation any taxicab, limousine, or disabled persons vehicle so dropped, he shall do so by notifying the Division of Motor Carriers and procuring the proper tag.

(2) If the taxicab, limousine, or disabled persons vehicle which is dropped is not properly replaced in operation within three (3) years of the next renewal date of the taxicab certificate, the taxicab, limousine, or disabled persons vehicle dropped and not replaced shall constitute a forfeiture of the taxicab, limousine, or disabled persons vehicle and an application shall be necessary before the replacement of the taxicab, limousine, or disabled persons vehicle may be authorized.

(3) The number of vehicles a carrier maintains in escrow shall not be considered as evidence in a proceeding in which a determination as to the adequacy of the carrier's service is an issue. Only the vehicles the carrier has in operation at the time of the filing of the application shall be considered.

Section 7. Trip Records. (1) A taxicab, limousine, or disabled persons certificate holder shall maintain an accurate record of the origin, destination, driver, and date of each trip made by each licensed vehicle.

(2) The daily log report of a driver shall be sufficient proof of the record required to be kept by subsection (1) of this section.

(3) An origin and destination report shall be:

(a) Kept by the certificate holder at least one (1) year; and

(b) Readily available for inspection by the:

1. Transportation Cabinet;

2. Another state agency; or

3. A law enforcement agency.

Section 8. Taxicab, Limousine, and Disabled Persons Vehicle Identification Cards. (1) An application or renewal application for a Kentucky taxicab, limousine, or disabled persons vehicle identification card and plate shall be made on form TC 95-39, "Application for Kentucky Passenger Fee Receipt Card for Year ____" for each vehicle to be operated as a taxicab, limousine, or disabled persons vehicle.

(2) If the vehicle is leased, the Kentucky license plate number and name of the lessor shall be provided.

(3) Each taxicab, limousine, or disabled persons vehicle identification card and plate shall be renewed annually pursuant to KRS 186.281.

(4) A certificate holder who needs to transfer an identification plate from the motor vehicle for which it was issued to another shall complete and file with the Division of Motor Carriers, form TC 95-37, "Affidavit". The following information shall be sent with the completed form TC 95-37:

(a) A copy of the vehicle registration or title on the new motor vehicle needed to be placed in operation;

(b) Proof that the new vehicle has been added to the liability insurance policy of the certificate holder;

(c) The original fee receipt card issued with the identification plate. If the original is not available, a sworn statement shall be attached explaining why the fee receipt card is not available; and

(d) If the new vehicle is not registered to the certificate holder, a completed form TC 95-15, "Equipment Lease Agreement."

Section 9. Material Incorporated by Reference. (1) The following material is incorporated by reference:

(a) Form TC 95-39, "Application for Kentucky Passenger Fee Receipt Card for Year ____" as revised by the Transportation Cabinet in January 1995;

(b) Form TC 95-37, "Affidavit" as revised by the Transportation Cabinet in September 1996; and

(c) Form TC 95-15, "Equipment Lease Agreement" as revised by the Transportation Cabinet in 1988.

(2) This material may be viewed, copied, or obtained from the Division of Motor Carriers, P.O. Box 2007, 3rd Floor State Office Building, 501 High Street, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. through 4:30 p.m. (DMT-21; 1 Ky.R. 793; eff. 5-14-75; Am. 25 Ky.R. 418; 871; 1877; 2367; eff. 4-14-99.)